

Attorney Docket No. P70650US0

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Knut ADERMANN et al.

Application No. 10/539,627

Art Unit: 1654

Filed: September 19, 2005

Examiner: Hugh Parker Young

For VERIFICATION OF IDENTITY BASED SIGNATURES

RECEIVED  
CENTRAL FAX CENTER

MAY 07 2007

## RESPONSE

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

This paper responds to the Office Action (restriction) mailed March 5, 2007.

Claims stand subject to restriction under 35 USC 121 for allegedly lacking unity of invention in accordance with PCT Rule 13.1. Pursuant to the restriction requirement, election is made, hereby, to prosecute invention Group I, claims 1-10, 13-17 and 20, with traverse, and species SEQ ID NO. 86 (VIR 576), with traverse. Claims 1-21 read on the elected species.

Traverse is maintained because the record does not support the finding of lack of unity of invention under PCT Rule 13.1. MPEP 1893.03(d).

According to the statement of restriction, unity of invention—under PCT Rule 13.1—is lacking among invention Groups I-IV because they allegedly fail to satisfy the requirements of PCT Rule 13.2, i.e., allegedly "they lack the same or corresponding special technical features" (Office Action, page 3). The statement of restriction concludes:

The technical features of the Groups, which is the peptides, is not a contribution over the prior art. U.S. Patent No. 6,200,801 B1 [Ferkol] . . . teaches peptides comprising the sequence of the instant application's claim 1. Ferkol . . . disclose[s] and claim[s] . . . SEQ ID NO: 31 that comprises the amino acids [sequence] LEAIPMSIPPEVKFNKPFVF (residues 3-22) that are encompassed by the instant claim 1. Therefore, the peptide [of present claim 1] cannot serve as a technical feature because it is not a contribution over the prior art.

The statement of restriction provides neither reasons nor examples to support this conclusion.